

March 30, 2018

Honorable John F. Keenan  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *City of New York v. BP p.l.c., et al.*, Case No. 18-cv-182-JFK (S.D.N.Y.)

Dear Judge Keenan:

Counsel for the City of New York (“Plaintiff”) and counsel for Chevron Corporation (“Chevron”), Exxon Mobil Corporation (“Exxon”), ConocoPhillips (“ConocoPhillips,” and collectively, the “U.S.-based Defendants”), BP p.l.c. (“BP”), and Royal Dutch Shell plc (“RDS,” and collectively, the “Defendants”) have conferred regarding the schedule for responses to Plaintiff’s Amended Complaint in this action. Counsel for Plaintiff and the U.S.-based Defendants jointly submit, for the Court’s consideration, the proposed briefing schedule attached hereto as Exhibit A.

On March 9, 2018, the Court ordered that briefing for motions to dismiss Plaintiff’s original complaint proceed according to the schedule set forth in the attached order, Exhibit B (Dkt. 71), as agreed by the parties. The Court scheduled oral argument on U.S.-based Defendants’ Rule 12(b)(1) and 12(b)(6) motions for June 13, 2018 at 11:00 a.m. *Id.* ¶ 1(f). The Court’s Order deferred further briefing on Rule 12(b)(2) issues until the Court ruled on Defendants’ Rule 12(b)(1) and 12(b)(6) motions. *Id.* ¶ 4. The Court also ordered, “pending further order of the Court, neither BP nor RDS need respond to the Plaintiff’s Complaint.” *Id.* ¶ 3.

On March 16, 2018, Plaintiff filed an Amended Complaint. In accordance with Federal Rule of Civil Procedure 15(a)(3), the U.S.-based Defendants have today served their motions to dismiss the Amended Complaint, along with their accompanying motion papers. Courtesy copies of these papers are anticipated to arrive in the Court’s chambers by Monday, April 2.

Plaintiff and the U.S.-based Defendants have agreed that Plaintiffs’ opposing papers must be served by April 25, and that the U.S.-based Defendants’ reply papers must be served by May 4. This agreement would retain, as set forth in the Court’s March 9 Order, the deferral of further briefing on Rule 12(b)(2) issues, and the deferral of briefing for the anticipated motions to dismiss of BP and RDS. The agreement would also retain June 13,

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2018 for oral argument on the U.S.-based Defendants' motions, in accordance with the Court's March 9 Order.

Respectfully submitted,

/s/ Anne Champion  
Anne Champion  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, NY 10166-0193  
achampion@gibsondunn.com  
(212) 351-5361

*Counsel for Chevron*

/s/ Matthew F. Pawa  
Matthew F. Pawa<sup>1</sup>  
Hagens Berman Sobol Shapiro LLP  
1280 Centre Street, Suite 230  
Newton Centre, MA 02459  
mattp@hbsslaw.com  
(617) 641-9550

*Counsel for the Plaintiff*

/s/ John F. Savarese  
John F. Savarese  
Wachtell, Lipton, Rosen & Katz  
51 West 52nd Street  
New York, NY 10019  
JFSavarese@wlrk.com  
(212) 403-1235

*Counsel for ConocoPhillips*

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<sup>1</sup> The parties use electronic signatures with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.

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/s/ Jaren Janghorbani  
Jaren Janghorbani  
Paul, Weiss, Rifkind, Wharton &  
Garrison LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
jjanghorbani@paulweiss.com  
(212) 373-3211

*Counsel for Exxon*

/s/ Jerome C. Roth  
Jerome C. Roth  
Munger, Tolles & Olson LLP  
560 Mission Street, 27<sup>th</sup> Floor  
San Francisco, CA 94105-2907  
jerome.roth@mto.com  
(415) 512-4000

*Counsel for Royal Dutch Shell plc*

/s/ Nancy G. Milburn  
Nancy G. Milburn  
Arnold & Porter Kaye Scholer LLP  
250 West 55<sup>th</sup> Street,  
New York, NY 10022  
Nancy.milburn@arnoldporter.com  
(212)836-8383

*Counsel for BP p.l.c.*